


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**  
**FEB 27 2014**  
  
CLERK

TERRANCE TERRELL JOHNSON, SR.,	)	Civ. 13-4124-LLP
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
CORRECTIONAL CARE SOLUTION;	)	ORDER DISMISSING CASE
MINNEHAHA COUNTY JAIL;	)	WITHOUT PREJUDICE
SUSAN, CCS employee; and	)	
SGT., Minnehaha County Jail, who worked	)	
10/15/13 night shift,	)	
	)	
Defendants.	)	

This matter is before the Court on its own motion. On October 20, 2013, Plaintiff filed a complaint pursuant to 42 U.S.C. § 1983 and later requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Dockets 1, 3. On November 14, 2013, the Court granted Plaintiff leave to proceed in forma pauperis and assessed an initial partial filing fee pursuant to 28 U.S.C. § 1915(b)(1). Docket 5. In doing so, the Court warned Plaintiff that his case would be dismissed if he failed to pay the initial partial filing fee by December 16, 2013. On December 18, 2013, the Court granted Plaintiff an extension of time to pay the initial partial filing fee, thereby ordering that Plaintiff submit \$39.20 by January 20, 2014. Docket 7. Again, the Court notified Plaintiff that a failure to comply with the payment deadline would result in dismissal of his pending § 1983 action.

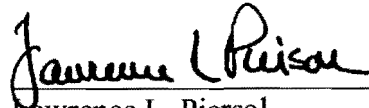
The January 20, 2014, deadline has passed, and Plaintiff has neither paid the initial partial filing fee in this matter nor asked for an additional extension of time in which to do so. Plaintiff's case is therefore dismissed for failing to comply with the Court's order. *See* Fed. R. Civ. Pro. 41(b); *see also Conley v. Holden*, No. 03-3908, 2004 WL 2202452, at \*1 (8th Cir. Sept. 21, 2004) (affirming district court's dismissal of inmate's case for failing to pay the assessed initial partial filing fee). Accordingly, it is

ORDERED that Plaintiff's complaint (Docket 1) is dismissed without prejudice because

Plaintiff failed to comply with this Court's orders. A separate judgment will be entered in accordance with this Order.

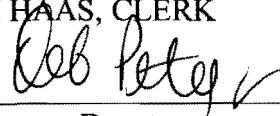
Dated this 27th day of February, 2014.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Lawrence L. Piersol", written over a horizontal line.

Lawrence L. Piersol  
United States District Judge

ATTEST:  
JOSEPH HAAS, CLERK

By:   
Deputy